

MEMORANDUM

Agenda Item No. 11(A)(16)

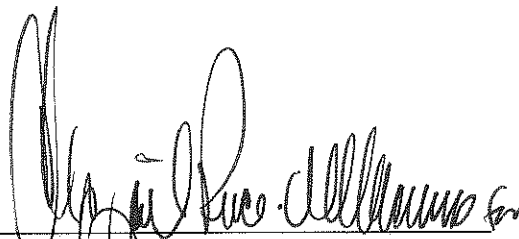
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: March 17, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution supporting HB
321, SB 512, or similar
legislation that could increase
HIV testing in health care
settings

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: March 17, 2015

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R. A. Cuevas, Jr.
County Attorney

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)(16)

Veto _____

3-17-15

Override _____

RESOLUTION NO. _____

RESOLUTION SUPPORTING HB 321, SB 512, OR SIMILAR
LEGISLATION THAT COULD INCREASE HIV TESTING IN
HEALTH CARE SETTINGS

WHEREAS, human immunodeficiency virus (HIV) is an immune system virus that can lead to the fatal acquired immunodeficiency syndrome (AIDS), a condition which can be fatal; and

WHEREAS, HIV affects specific cells of the immune system and, over time, the virus can destroy so many of these cells that the body cannot fight off infections and disease; and

WHEREAS, with proper medical care, however, HIV can be controlled for many patients; and

WHEREAS, according to the United States Centers for Disease Control and Prevention (CDC), Florida has the second highest number of newly-diagnosed HIV infection cases in the country; and

WHEREAS, according to the CDC, of the Metropolitan Statistical Areas in the United States, Miami-Dade County has the seventh highest number of newly-diagnosed HIV infection cases; and

WHEREAS, currently, every person who is tested for HIV in this state must first give his or her informed consent, with certain exceptions; and

WHEREAS, in 2006, the CDC revised its recommendation for HIV testing to include opt-out HIV testing in all health-care settings and no requirement for separate written consent; and

WHEREAS, bills have been filed for consideration during the 2015 state legislative session, specifically, House Bill 321 (HB 321) by Representative Bryan Avila (R – Hialeah) and Senate Bill 512 (SB 512) by Senator Geraldine F. Thompson (D – Orlando), which would allow providers in health care settings to administer HIV tests without receiving the individual's informed consent, provided that the individual is notified and given an opportunity to opt-out of testing; and

WHEREAS, HB 321 and SB 512 provide definitions of a "health care setting" and "non-health care setting," differentiating between notification and informed consent requirements for the two settings; and

WHEREAS, under the proposed bills, for a person to be tested for HIV in a health care setting, the provider need not receive informed consent, but would have to notify the person that the HIV test is planned and advise the person that he or she has the right to decline the HIV test; and

WHEREAS, under the proposed bills, for a person to be tested for HIV in a non-health care setting, the provider would have to receive informed consent; and

WHEREAS, by allowing HIV tests to be performed in the health care setting upon notification and opportunity to opt-out without otherwise requiring informed consent; the proposed legislation could lead to increased frequency in HIV testing, thereby slowing down the rate of transmission of HIV in Miami-Dade County; and

WHEREAS, this Board wishes to strongly support HB 321 and SB 512,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports HB 321, SB 512, or similar legislation that could increase HIV testing in health care settings.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Representative Bryan Avila, Senator Geraldine F. Thompson, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation as set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package previously approved by the Board to include this item.

The Prime Sponsor of the foregoing resolution is Chairman Jean Monestime. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman

Esteban L. Bovo Jr. Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

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The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MP

Matthew Papkin